

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CASEY YOHO and REBECCA YOHO,

Plaintiffs,

v.

RYAN & REED, INC.,

Defendant.

Case No. C05-5148FDB

ORDER OF DISMISSAL

Plaintiffs filed a cause of action against Ryan & Reed, Inc. in Cause No. C04-5437RBL, which was ultimately dismissed owing of failure to demonstrate service upon defendants, alleged to have their principal place of business in Houston, Texas, and for failure to prosecute.

On February 28, 2005, Plaintiffs filed the instant cause of action against Ryan & Reed, Inc., alleging that the corporation's principal place of business is Altamonte Springs, Florida, and submitted a declaration of service upon Ryan & Reed, Inc. at CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324, with an execution date of May 20, 2005.

On June 13, 2005, Plaintiffs moved for default and on the same day Ryan & Reed moved to dismiss referencing the earlier-filed case, C04-5437RBL, against Ryan & Reed of Texas, which was never served and contending that Ryan & Reed of Florida is the wrong defendant. Plaintiffs' motion

1 was noted for July 8, 2005, and Plaintiffs have not responded to the motion. Under Local Rule CR  
2 7, a failure to respond to a motion may be construed by the Court to mean the motion has merit.

3 ACCORDINGLY, IT IS ORDERED: Motion of Defendant Ryan & Reed, Inc. To Dismiss  
4 [Dkt. # 7] is GRANTED and this cause of action is DISMISSED.

5 DATED this 29<sup>th</sup> day of July 2005.

6  
7 

8 FRANKLIN D. BURGESS  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25